



**MIDDLETOWN BOARD OF APPEALS  
Middletown, Maryland 21769**

**Meeting Minutes for August 31, 2021**

**Case # MT-B-21-8 & MT-B-21-9**

The Middletown Board of Appeals (BoA) met on Tuesday, August 31, 2021 at 7:00 p.m. via Zoom meeting. Present were BoA members Daphne Gabb (Chairwoman), Sean Mahar, Alex Kundrick, and Jonathan Minchoff (alternate), Mark Hinkle (Zoning Administrator) and Patty Guyton (recording secretary).

Others present: Joseph Holliday (98 Summers Dr) and Janie Nalborczyk (7 Washington St)

**Minutes** – Chairwoman Gabb asked if there were any corrections to the July 21, 2021 BoA meeting minutes as submitted. Hearing no comments, the minutes were approved.

**Case MT-B-21-8** - The applicant is filing for a variance of approximately 20' from the required 35' front yard setback for placement a one car garage. The lot is in the R3 residential zone and is a corner lot with front yard setbacks from both Summers Dr. and West Green St.

Based on the application it appears that being a corner lot, the fact that the dwelling unit that exists is a duplex, and the rear yard area for this dwelling unit exists on 96 Summers Dr. property presents a hardship for placement of a garage. Because of these conditions and the placement of the house on this lot, these features make it impossible for the owner to build a garage, which is allowed by code. Due to the location of the property and the topography of the lot in conjunction with the neighboring lots, there would be no potential for flooding of adjacent lots or properties.

The conditions for this property only allow a garage to be installed in a specific spot in the front yard. With the current required setbacks, the applicant would require the variance to construct any type of garage/shed. Staff notes that the applicant did not create these property conditions. The authorization of variance requested is necessary to enable the reasonable use of this property by the applicant. Staff recommends that the application for variance be APPROVED.

If the variance applied for and requested is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located on Summers Dr., nor substantially impair the appropriate use or development of adjacent property and/or confronting properties, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.32.170 of the Middletown Municipal Code while representing a reasonable modification of the regulation in use.

**Discussions:** Board members asked why the garage isn't right next to the house. Applicant stated that there is a natural gas line that runs along the side of the house and the garage cannot be placed right next to the house due to the gas line.

**Action:** Motion by Board member Mahar to approve the variance as presented. Seconded by Board member Kundrick. Motion carried (3-0).

**Case MT-B-21-9** - The applicant has requested the following variance from the Middletown Municipal Code, Section 17.16.070 (Required lot area, lot width and yards) that states that the desired "request is a variance of approximately 4' from the side yard setback of 12'". The current side yard setback requirement found in the Middletown Municipal Code in the R3 Residential District is 12'. This lot is a narrow, older, developed lot with a single-family home that was built in the Civil War era. The current house is non-conforming and sits approximately 8' from the side yard property line. This lot was created prior to zoning laws and does not meet current standards as established by the Town Code.

Based on the application it appears that a request is being made to construct an addition to the current home, that will allow the applicant to safely move about the house on one level without the use of stairs. The applicant has submitted all required documentation and justifications for the requested variances as well as plans showing the proposed location of the dwelling. Staff has reviewed all information provided and concurs with the applicant that the variance should be granted.

If the variance applied for and requested is granted, staff notes that it will not alter the essential character of the neighborhood or district in which the property is located on Washington St., nor substantially impair the appropriate use or development of adjacent property and/or confronting properties, nor be detrimental to the public welfare. Staff supports the variance as presented by the applicant as reasonable to afford them relief from Section 17.6.070 of the Middletown Municipal Code while representing a reasonable modification of the regulation in use.

**Discussions:** Board members asked if the addition would include a basement and if the contractor plans on using the same materials as the existing house. The applicant stated that the addition will not include a basement, the addition will only be a first level addition and the contractor will be using same materials as existing house.

**Action:** Motion by Board member Mahar to approve the variance as submitted. Seconded by Board member Kundrick with the conditions that the applicant goes through Frederick County for proper permitting. Motion carried (3-0).

The meeting adjourned at 7:22p.m.

Respectfully submitted,

Patty Guyton  
Town Receptionist